

REMARKS

Claims 1-7 and 9-11 are currently pending in the present application.

Initially, Applicants note the Examiner's comments in the final Office Action with regard to the certified copy of the priority document. As Applicants previously submitted the certified copy of the priority document, their undersigned representatives are no longer in possession of the certified copy. An additional certified copy of the priority document has been requested from the German Patent Office and will be submitted to the Office shortly in due course.

Claims 1 and 7 have been amended herein to more clearly specify that the metal insert recited therein is a metal insert *core* of the yarn for closing the sausage casing. Support for the amendment to claims 1 and 7 can be found in the Specification, for example, at page 5, lines 13-15, and in Example 1 at page 7, lines 1-6. No new matter is introduced by the amendments made herein. Additionally, as explained in further detail below, Applicants respectfully submit that the amendments raise no new issues and place the application in a condition for allowance, or at least a better condition for appeal. Moreover, a complete listing of all claims ever presented is set forth herein in accordance with 37 CFR §1.121(c)(1). Accordingly, entry and consideration of the amendments to claims 1 and 7, after final, are proper and respectfully requested.

In the final Office Action, the Examiner maintains the rejection of claims 1-5, 7 and 9-11 under 35 U.S.C. §103(a), as being unpatentable over German patent reference No. DE 2512720 ("DE '720"), based on the English abstract of DE '720 provided by the Examiner with the previous Office Action, in view of U.S. Patent Application Publication No. 2004/0065072 of Zhu, *et al.* ("Zhu"). Additionally, the Examiner rejects claim 6 under 35 U.S.C. §103(a), as being unpatentable over DE '720, in view of Zhu, and further in view of U.S.

Patent No. 5,236,726 of Lancaster, citing Lancaster to support an alleged teaching of the additional elements of dependent claim 6.

In the previous Office Action, the Examiner acknowledged that DE '720 fails to teach or suggest a yarn containing metal insert. In order to remedy this admitted deficiency of DE '720, the Examiner argues that Zhu provides disclosure of a yarn which contains metal filaments for the purpose of providing improved cut resistance. The Examiner argued that it would have been obvious to one of ordinary skill in the art to provide multi-filament yarns as disclosed in DE '720 which further include metal filaments as suggested by Zhu "to provide improved cut resistance."

In the final Office Action, the Examiner responded to Applicants' arguments with regard to Zhu's failure to disclose a yarn containing a metal insert. Applicants contended, and still do, that Zhu only describes a composite yarn comprising two separate yarns which are twisted together, one of which can contain metal filaments. By way of counter-argument, the Examiner contends that the end result of Zhu is a yarn containing a metal filament twisted into the other filaments of the yarn. In this regard, the Examiner contends that the metal filament of Zhu reads on "a metal insert." Applicants respectfully disagree and traverse the Examiner's rejection and the arguments and contentions set forth in support thereof for at least the following reasons.

As indicated above, and as shown in the listing of the claims presented herein, Applicants have amended claims 1 and 7 to particularly point and distinctly claim an artificial sausage casing having one or two ends closed by a yarn having *a metal insert core*. Thus, Applicants' claimed invention is more clearly directed to a yarn having *a metal insert which is a core or center* for other yarns or plastics which are wrapped around and/or enclose this metal insert core. Applicants respectfully submit that this is different from and not taught or suggested

by the disclosure of Zhu. Zhu is very clearly directed to a ply-twisted yarn comprised of two separate multi-filament yarns, wherein one yarn itself can be made of metal filaments. The two yarns are twisted together. Zhu does not disclose a metal insert core. Accordingly, Applicants respectfully submit that Zhu fails to remedy the admitted deficiencies of the DE '720 reference.

Applicants respectfully submit that the amendments made herein to claims 1 and 7 are of a clarifying nature, in accordance with arguments previously raised, and raise no new issues, and are thus proper after final. In this regard, Applicants note that the distinguishing arguments made herein had been previously raised in the Request for Reconsideration filed on August 12, 2008. The Examiner further acknowledges consideration of these arguments in the final Office Action, but notes that the metal insert had not been defined in such a way in the claims. Thus, Applicants' amendments made herein are simply to clarify that the metal insert is a core of the yarn set forth in the claims. Finally, as the references fail to teach or suggest a tubular sausage casing closed at one or two ends with a yarn having a metal insert *core*, Applicants respectfully submit that the amendments place the application in condition for allowance.

Applicants respectfully submit that the cited combinations of references fail to teach or suggest each and every element of the claimed invention, as amended herein. Accordingly, the cited references fail to satisfy the criteria necessary to establish a *prima facie* case of obviousness.

Applicants respectfully submit that the currently pending claims patentably distinguish over the prior art of record. Reconsideration, withdrawal of the rejections and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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